

Blanchard	Kennard
Bridges	Kothmann
Brooks	Mauzy
Christie	McKool
Connally	Moore
Creighton	Patman
Grover	Ratliff
Hall	Schwartz
Harrington	Sherman
Harris	Snelson
Herring	Wallace
Hightower	Watson
Jordan	Wilson

Absent—Excused

#### Word

#### Reports of Standing Committees

By unanimous consent, Senator Hall submitted the following report for the Committee on County, District and Urban Affairs:

S. B. 677 (Floor Report).

By unanimous consent, Senator Wilson submitted the following reports for the Committee on Constitutional Amendments:

S. J. R. No. 40.

S. J. R. No. 27.

S. J. R. No. 28.

S. J. R. No. 46.

#### Messages From the House

Hall of the House of Representatives  
Austin, Texas,  
March 29, 1971.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has concurred in Senate amendments to House Bill No. 3 by non-record vote.

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### Memorial Resolutions

S. R. No. 805—By Senator Creighton: Memorial resolution for Amos C. "Jiggs" McClure.

S. R. No. 810—By Senator Watson: Memorial resolution for Mrs. Mary E. Wallace.

S. R. 811—By Senator Watson: Memorial resolution for William Wylie Rowland.

S. R. No. 812—By Senator Watson: Memorial resolution for Richard C. Scott.

S. R. No. 813—By Senator Watson: Memorial resolution for Sam James Denn.

#### Welcome and Congratulatory Resolutions

H. C. R. No. 98—Extending an invitation to the Reverend Dr. Billy Graham to hold a crusade in Austin.

S. R. No. 801—By Senator Blanchard: Extending congratulations to Charlene Chambles and Roger Dean on receipt of Medalist award in Journalism.

S. R. No. 802—By Senator Blanchard: Extending welcome to Social Studies Club of Andrews High School.

S. R. No. 803—By Senator Grover: Extending welcome to students of Condit Elementary School of Houston.

S. R. No. 804—By Senator Wallace: Extending welcome to students and teachers of Lula B. Stevens Elementary School of Houston.

S. R. No. 807—By Senator McKool: Extending welcome to John Hancock, et al.

S. R. No. 809—By Senator Watson: Extending welcome to Wiley Stem.

S. R. No. 814—By Senator Snelson: Extending welcome to Honors Government Class of Central High School.

S. R. No. 815—By Senator Aikin: Extending welcome to the Honorable Choice Moore, et al.

#### Adjournment

On motion of Senator Aikin the Senate at 12:12 o'clock p.m. adjourned until 11:00 o'clock a.m. tomorrow.

#### FORTY-SIXTH DAY

(Tuesday, March 30, 1971)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

#### Message From the House

Hall of the House of Representatives  
Austin, Texas.  
March 30, 1971.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. 63, Concerning the observance of Good Friday.

The House has concurred in Senate amendments to House Bill No. 343 by non-record vote.

H. C. R. No. 100, In memory of Raymond E. Buck of Fort Worth.

Respectfully submitted,  
DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### Reports of Standing Committees

Senator Kennard submitted the following reports for the Committee on Public Health:

H. B. No. 106.

S. B. No. 645.

Senator McKool submitted the following reports for the Committee on Privileges and Elections:

S. B. No. 690.

C. S. S. B. No. 190 (Read first time).

S. B. No. 682 (Amended).

S. B. No. 610 (Amended).

S. B. No. 616.

C. S. S. B. No. 537 (Read first time).

Senator Wilson submitted the following reports for the Committee on Constitutional Amendments:

S. J. R. No. 37 (Amended).

C. S. S. J. R. No. 26 (Read first time).

S. J. R. No. 51.

S. J. R. No. 44.

S. J. R. No. 45.

S. J. R. No. 34.

S. J. R. No. 31.

#### Message From the House

Hall of the House of Representatives  
Austin, Texas.  
March 30, 1971.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 223, A bill to be entitled "An Act authorizing the transfer of funds currently appropriated to the State Securities Board; and declaring an emergency."

H. B. No. 1625, A bill to be entitled "An Act relating to validation of certain ordinances passed and bonds issued by home-rule cities; providing for severability; and declaring an emergency."

Respectfully submitted,  
DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

(President in Chair.)

#### Senate Resolution 819

Senator Kennard offered the following resolution:

Whereas, The prime subject of concern among most Texans at the present time is taxation; and

Whereas, A basic concept of the Democratic process provides the committee system whereby citizens of this State can appear for or against issues; and

Whereas, The major Tax Bill of the 62nd Legislature, H. B. 730, will impose a new tax structure upon all citizens of this State; now, therefore, be it

Resolved, By the Senate of the 62nd Legislature, that no amendment shall be offered to the Tax Bill on Second Reading unless the subject matter it entails has been discussed at a public hearing.

KENNARD  
JORDAN  
SCHWARTZ  
BLANCHARD  
AIKIN

The resolution was read.

On motion of Senator Kennard and by unanimous consent, further consideration of the resolution was temporarily withdrawn.

#### Senate Resolution 822

Senator Harrington offered the following resolution:

Whereas, Jefferson County was created in 1836 and organized in 1837 bearing the name of United States President Thomas Jefferson; and

Whereas, The single most important event in the development of the oil industry in Texas was the discovery of the Spindletop Field from which over 350 Million barrels of oil have been produced since 1901; and

Whereas, Today is Jefferson County Day for the Texas Legislature; and

Whereas, To commemorate the history of the discovery of the Spindletop Field a delegation of Jefferson County citizens headed by Paul Meyer, Bill Doornbos and Gus Becker along with Will Wilson who is Chairman of the Spindletop Museum Committee will be here today to present a painting of Spindletop; now, therefore, be it

Resolved, By the Senate of the 62nd Legislature, that official notice is hereby taken of Jefferson County Day, that the delegation from Jefferson County be granted privileges of the floor for today; that Mr. Will Wilson, Mr. Gus Becker, Mr. Bill Doornbos and Dr. Paul Meyer be commended for their efforts to promote better understanding of this significant part of our history.

The resolution was read and was adopted.

The President recognized Senator Harrington, who requested permission to proceed to the President's Rostrum with Mr. Wilson, Dr. Meyer, Mr. Doornbos and Mr. Becker.

Senator Harrington then introduced Mr. Will Wilson, who presented the painting of Spindletop to the President.

The President accepted the painting on behalf of the Senate and expressed appreciation to the citizens of Jefferson County.

#### Bills and Resolution Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills and resolution:

H. B. No. 3.

H. B. No. 235.

H. B. No. 453.

H. C. R. No. 98.

#### Senate Concurrent Resolution 68

Senator Wilson offered the following resolution:

S. C. R. No. 68, Authorizing Senate Enrolling Clerk to make certain corrections in S. B. No. 333.

The resolution was read.

On motion of Senator Wilson and by unanimous consent, the resolution was considered immediately and was adopted.

#### House Bill and Resolution on First Reading

The following bill and resolution received from the House, were read the first time and referred to the Committee indicated:

H. C. R. No. 70, To Committee on Parks and Wildlife.

H. B. No. 1625, To Committee on County, District and Urban Affairs.

#### Messages From the Governor

The following messages received from the Governor were read and referred to the Committee on Nominations:

Austin, Texas,  
March 30, 1971.

To the Senate of the Sixty-Second Legislature:

I ask the advice, consent, and confirmation of the Senate with respect to the following appointments:

To be Members of the Board of Regents of Texas Woman's University: For six-year terms to expire January 10, 1977: Reagan Houston, III, of San Antonio, Bexar County, for reappointment; John Shivers, of Austin, Travis County, to replace E. Gary Morrison, of Austin, Travis County, whose term has expired; Mrs. Marcella Perry, of Houston, Harris County, to replace Mrs. Raybourne Thompson, of Houston, Harris County, whose term has expired.

Respectfully submitted,  
PRESTON SMITH,  
Governor of Texas.

Austin, Texas,  
March 30, 1971.

To the Senate of the Sixty-Second Legislature:

I hereby request the consent of the Senate to recall the appointment of Arthur Temple, Jr., of Diboll, Angelina County, to be a Member of the Board of Directors of the Neches River Conservation District, submitted to the Senate February 25, 1971.

I ask the advice, consent, and confirmation of the Senate with respect to the following appointment:

To be a Member of the Board of Directors of the Neches River Conservation District: For a term to expire September 5, 1973: H. J. Shands, Sr., of Lufkin, Angelina County, to replace Arthur Temple, Jr., of Diboll, Angelina County.

Respectfully submitted,  
PRESTON SMITH,  
Governor of Texas.

#### Senate Bill 140 With House Amendments

Senator Moore called S. B. No. 140 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the following House amendments before the Senate:

#### Committee Amendment 1

Amend S. B. 140 by striking all below the enacting clause and insert the following:

Section 1. The Texas Motor Vehicle Commission Code is adopted to read as follows:

#### "SUBCHAPTER A. GENERAL PROVISIONS

##### Short Title

Section 1.01. This Act may be cited as the Texas Motor Vehicle Commission Code.

##### Policy and Purpose

Section 1.02. The distribution and sale of new motor vehicles in this State vitally affects the general economy of the state and the public interest and welfare of its citizens. It is the policy of this state and the purpose of this Act to exercise the State's police power to insure a sound system of distribution and selling new motor vehicles through licensing and regulating the manufacturers, distributors, and franchised dealers of those vehicles to provide for compliance with manufacturer's warranties, and to prevent frauds, unfair practices, discriminations, impositions, and other abuses of our citizens.

##### Definitions

Section 1.03. In this Act, unless the context requires a different definition:

(1) "Motor vehicle" means every self-propelled vehicle by which a person or property may be transported on a public highway and having four or more wheels.

(2) "New motor vehicle" means a motor vehicle which has not been the subject of a "retail sale" as defined in Art. 6.03(B) Taxation—General, Title 122A.

(3) "Person" means every natural person, partnership, corporation, association, trust, estate, or any other legal entity.

(4) "Dealer" means any person engaged in the business of buying, selling or exchanging new motor vehicles at an established and permanent place of business pursuant to a franchise in effect with a manufacturer or distributor.

(5) "Manufacturer" means any person who manufactures or assembles new motor vehicles either within or without this state.

(6) "Distributor" means any person who distributes and/or sells new motor vehicles to dealers and who is not a manufacturer.

(7) "Representative" means any person who is or acts as an agent, employee or representative of a manufacturer or distributor who performs any duties in this state relating to making or promoting of the distribution and/or sale of new motor vehicles or who contacts dealers in this state on behalf of a manufacturer or distributor.

(8) "Franchise" means a contract under which (A) the franchisee is granted the right to sell new motor vehicles manufactured or distributed by the franchisor; (B) the franchisee as an independent business is a component of franchisor's distribution system; (C) the franchisee is substantially associated with franchisor's trademark, tradename and commercial symbol; and (D) the franchisee's business is substantially reliant on franchisor for a continued supply of motor vehicles, parts, and accessories for the conduct of its business.

(9) "Commission" means the Texas Motor Vehicle Commission created by this Act.

#### SUBCHAPTER B.

#### ADMINISTRATIVE PROVISIONS

##### Texas Motor Vehicle Commission

Section 2.01. The Texas Motor Vehicle Commission is hereby created as an agency of the state to carry out the functions and duties conferred upon it by this Act.

##### Members of Commission

Section 2.02. The Commission shall consist of six persons appointed by the Governor with the advice and consent of the Senate.

##### Qualifications of Members

Section 2.03. Each member of the Commission shall be a citizen of the United States and a resident of this state. Four members shall be dealers, no two of which are franchised to sell the motor vehicles manufactured or distributed by the same person or a subsidiary or affiliate of the same person. Two members shall be persons not required to be licensed hereunder from the public at large. The persons initially appointed to the Commission as dealer-members shall be persons whose principal occupation has been as franchised new motor vehicle deal-

ers in this state for at least ten years. The dealer-members appointed to the Commission after the initial appointments are made shall be licensed dealers under this Act. If any dealer-member of the Commission ceases to be a licensed dealer under this Act, the office of such member is automatically vacated, which shall be filled as any other vacancy.

##### Terms of Members

Section 2.04. The members of the Commission shall hold office for terms of six years, except the initial members, with the terms of two members expiring on September 1 of each odd-numbered year. The members of the first Commission shall be appointed within ninety days after this Act becomes effective, with the Governor designating two to serve for terms expiring September 1, 1973, two for terms expiring September 1, 1975, and two for terms expiring September 1, 1977. The Governor shall make the appointments in such a way that there are always two members on the Commission from the public at large. No person shall serve two consecutive full six-year terms as a member of the Commission.

##### Vacancies

Section 2.05. The Governor, with the advice and consent of the Senate, shall fill vacancies on the Commission for the duration of the unexpired term.

##### Oath

Section 2.06. Members of the Commission qualify by taking the constitutional oath of office which shall, with the certificate of appointment, be filed with the Secretary of State who shall issue a commission as evidence of the authority of the members to act.

##### Per Diem; Expenses

Section 2.07. Each member of the Commission shall be entitled to \$25.00 per day for each day actually engaged in the duties of the office, including time spent in necessary travel to and from meetings and otherwise, together with all travel and other necessary expenses incurred while performing official duties.

##### Commission Meetings

Section 2.08. The Commission shall hold a regular annual meeting in September of each year and elect a chairman and vice chairman to serve for

the ensuing year. The Commission shall have regular meetings as the majority of the members specify and special meetings at the request of any two members. Reasonable notice of all meetings shall be given as Commission rules prescribe. A majority of the Commission, including at least one of the public members, shall constitute a quorum to transact business.

#### Executive Director; Staff

Section 2.09. The Commission shall employ an executive director who shall be the chief administrative officer of the Commission who shall maintain all minutes of Commission proceedings and who shall be custodian of the files and records of the Commission. The executive director shall employ the staff authorized by the Commission. The Commission may by interagency contract utilize assistance of any state agency.

#### Special Fund

Section 2.10. The Commission shall deposit all monies received by it from license fees paid under this Act with the state treasurer, who shall keep them in a separate fund to be known as the "Motor Vehicle Commission Fund." The Commission may use this fund for salaries, wages, per diem, professional and consulting fees, grants, loans, contracts, travel expenses, equipment, office rent and expense and other necessary expense incurred in carrying out its duties under the Act as provided by legislative appropriation. At the close of each biennium the unexpended balance remaining in the Motor Vehicle Commission Fund shall be transferred to the general revenue fund.

#### Seal

Section 2.11. The Commission shall adopt a seal for the authentication of its records and orders.

### SUBCHAPTER C. POWERS AND DUTIES

#### In General

Section 3.01. The Commission shall administer the provisions of this Act, establish the qualifications of manufacturers and dealers, and insure that the distribution or sale of motor vehicles is conducted as provided herein and under the Commission's rules. The Commission has the powers and duties specifically prescribed by this Act and all other powers necessary

and convenient to carry out its responsibilities.

#### Rules

Section 3.02. The Commission, after hearing, shall make, amend, and enforce rules reasonably required to effectuate the provisions of this Act and govern procedure and practice before the Commission. The Commission shall comply with Chapter 274, Acts of the 57th Legislature, Regular Session, as amended (Article 6252-13, Vernon's Texas Civil Statutes).

#### Orders

Section 3.03. The Commission is authorized to issue orders and make determinations as may be necessary to carry out this Act. The orders shall set forth the findings on which the order is based and the reason for the particular action taken. All orders shall be signed by the chairman or vice chairman and attested by the executive director and have the seal affixed.

#### Hearings

Section 3.04. (a) The Commission may hold hearings, administer oaths, receive evidence, issue subpoenas to compel the attendance of witnesses and the production of papers and documents related to the hearing, and make findings of fact and decisions in administering the Act and the rules, orders, and other actions of the Commission.

(b) Notice of a hearing shall describe in summary form the purposes of the hearing and its date, time, and place.

(c) Notice of a hearing on Commission rules and other matters having general application shall be mailed to all licensees not less than twenty days before the hearing date and may be given to such other persons as the Commission deems appropriate. Notice of a hearing concerning a specific geographic area and not having general application shall be sent to the licensees in that area as defined by the Commission.

(d) Notice of a hearing concerning individual persons shall be given by certified mail return receipt requested to the persons involved at their last known address not less than twenty days before the hearing date. Notice may be given to any officer, agent, employee, legal representative or attorney of the person. Notice may be waived by interested persons.

(e) A hearing shall be conducted at the time and place stated in the notice or an amended notice shall be sent. A hearing may be continued from time to time and place to place as announced openly before the hearing is recessed without further notice or otherwise by giving reasonable notice less than twenty days before.

(f) The Commission may delegate the authority to call and hold hearings to one or more of its members, the executive director, one or more employees of the Commission or to persons under contract to the Commission. The person holding the hearing shall have all the powers of the Commission in connection with the hearing.

(g) All persons whose rights may be affected at any hearing shall have the right to appear personally and by counsel, to cross-examine adverse witnesses and to produce evidence and witnesses in their own behalf. If a hearing is not held before the whole Commission, such person shall have the right to appear before the Commission and present evidence when the matter comes before them for decision.

(h) A retail buyer of a new motor vehicle may make a complaint concerning defects in a new motor vehicle which are covered by the warranty agreement applicable to the vehicle. Such complaint must be made by certified letter to the dealer and must specify the defects in the vehicle which are covered by the warranty. After the dealer has had 30 days in which to correct defects covered by the warranty, the owner may make further complaint by an additional certified letter to the dealer with copies to the applicable manufacturer or distributor and the Commission. The Commission may hold a hearing on all unsatisfied complaints to determine whether there has been a violation of the Act.

#### Enforcement; Contracts; Instruments

Section 3.05. The Commission may cause legal proceedings to be instituted to enforce this Act and its rules, orders and decisions. Should it appear from any investigation of a possible violation of any other law or regulation that a violation of this Act may have occurred, the matter shall be referred to the Commission to determine whether proceedings under this Act are also appropriate. The Commission

may make contracts and execute instruments necessary or convenient to the exercise of its powers or performance of its duties.

### SUBCHAPTER D. LICENSES

#### License Required

Section 4.01. No person shall engage in business as, serve in the capacity of, or act as a dealer, manufacturer, distributor or representative in this state without obtaining a license therefor as provided in this Act on or after December 1, 1971. All licenses shall be issued between August 31 and December 1 of each year as prescribed by the Commission and shall expire one year from date of issue.

#### Dealer Application

Section 4.02. (a) The application for a dealer license shall be on a form prescribed by the Commission which shall include information on the applicant's financial resources, business integrity, business ability and experience, franchise agreement, physical facilities for sales and service, parts and accessories, inventory, new vehicle inventory and other factors the Commission considers necessary to determine applicant's qualifications to adequately serve the motoring public.

(b) A license may be renewed annually by filing an application on the forms prescribed which shall keep current the information supplied in the original application and by paying the fees.

(c) A dealer may carry on the business of his dealership at more than one location; however, a separate license shall be required for each separate and distinct dealership as determined by the Commission.

(d) A dealer licensed hereunder shall promptly notify the Commission of a change in ownership, location or franchise of a dealer, or any other matters the Commission may require by rule. If a dealer changes location of all or any part of his dealership, to another municipality, a new license must be applied for as in any original application.

#### Manufacturer, Distributor and Representative Application

Section 4.03. (a) The application for a manufacturer's, distributor's, or representative's license shall be on a form prescribed by the Commission

which form shall contain such information as the Commission deems necessary to fully determine the qualifications of the applicant for a license, including financial resources, business integrity and experience, facilities and personnel for serving dealers and such other information as the Commission considers to be pertinent to safeguard the public interest and welfare.

(b) The applicant for a manufacturer's license shall furnish a list of all distributors, representatives acting for applicant, and all dealers franchised to sell applicant's products in this state and their location and contract term. Thereafter all manufacturers shall advise the Commission within fifteen days of any change in the list of distributors, representatives, and dealers, and this information shall become part of the licensee's application.

(c) Each application for a manufacturer's license shall include an instrument setting forth the terms and conditions of all warranty agreements in force and effect on the products it sells in this state to ascertain the degree of protection afforded the retail purchasers of those products and the obligations of dealers in connection therewith as well as the basis for compensating dealers for labor, parts and other expenses incurred in connection with such manufacturer's warranty agreements. In addition, all manufacturers shall specify on or with the application the delivery and preparation obligations of their dealers prior to delivery of a new motor vehicle to a retail purchaser and the schedule of compensation to be paid to dealers for the work and service performed by them in connection with such delivery.

(d) The application for a distributor license shall disclose the manufacturer for whom the distributor will act, whether the manufacturer is licensed in this state, the warranty covering the vehicles to be sold, the persons in this state who will be responsible for compliance with that warranty, and the nature and terms of the contract under which the distributor will act for a manufacturer. Also, the application must disclose the dealers with whom the distributor will do business. If the distributor is to have any responsibility for warranties, the distributor shall furnish the same information pertaining thereto as is re-

quired of a manufacturer. The Commission shall be advised of any change in this information within fifteen days from the date thereof and such new information shall become part of the licensee's application.

(e) A license may be renewed annually by filing an application on the forms prescribed which shall keep current the information supplied in the original application and by paying the fees.

#### Doing Business

Section 4.04. The obtaining of a license hereunder shall constitute the doing of business in this state, and if no agent for service of process has been designated by a licensee, the licensee will be deemed to have designated the Secretary of State of Texas as his or its agent for receipt of service of process.

#### Fees

Section 4.05. (a) The annual license fees for licenses issued hereunder shall be as follows:

(1) For each manufacturer and distributor, \$200.00.

(2) For each dealer who sold more than 200 new motor vehicles during the preceding calendar year, \$50.00.

(3) For each dealer who sold 200 or less new motor vehicles during the preceding calendar year, \$25.00.

(4) For each representative, \$25.00.

(b) If any person fails to apply for a license required hereunder or fails to pay a fee within the time specified, such person shall pay as a penalty 50% of the amount of the fee for each thirty days of default.

#### Denial, Revocation or Suspension of License

Section 4.06. (a) The Commission may deny an application for a license or revoke or suspend an outstanding license, for any of the following reasons:

(1) Proof of unfitness of applicant or licensee under standards set out in the Act or in Commission rules.

(2) Material misrepresentation in any application or other information filed under this Act or Commission rules.

(3) Willful failure to comply with this Act or any rule promulgated by the Commission hereunder.

(4) Failure to maintain the qualifications for a license.

(5) Willfully defrauding any retail buyer to the buyer's damage.



(6) Willful violation of any law relating to the sale, distribution, financing or insuring of new motor vehicles.

(7) Any act or omission by an officer, director, partner, trustee or other person acting in a representative capacity for a licensee which act or omission would be cause for denying, revoking or suspending a license to an individual licensee.

(b) The revocation of a license previously held under this Act may be grounds for denying a subsequent application for a license.

(c) The Commission may deny a dealer application to establish a new dealership in a community or metropolitan area where the same line-make of new motor vehicle is then represented by a dealer who is in compliance with his franchise agreement with the manufacturer or distributor, is adequately representing the manufacturer or distributor, in that community or metropolitan area in the sale and service of its new motor vehicles, and no good cause is shown for an additional dealer license in the public interest.

(d) The revocation or suspension of a manufacturer or distributor license may be limited to one or more municipalities or counties or any other defined area, or may be revoked or suspended in a defined area only as to certain aspects of its business, or as to a specified dealer or dealers.

(e) No license shall be denied, revoked, or suspended except on order of the Commission after a hearing and the evidence adduced is considered by the Commission at the hearing or by a hearing report. The Commission may inspect the books and records of a licensee in connection with a hearing called or proposed.

#### SUBCHAPTER E. PROHIBITIONS

##### Dealers

Section 5.01. It shall be unlawful for any dealer to:

(1) Require a retail purchaser of a new motor vehicle as a condition of sale and delivery thereof to purchase special features, equipment, parts or accessories not ordered or desired by the purchaser, provided such features, equipment, parts or accessories are not already installed on the new motor vehicle when received by the dealer.

(2) Use false, deceptive or misleading advertising in connection with any of the business of a dealer, as defined in Acts 1967, 60th Leg., Vol.

2, p. 2343, Ch. 785, §1 as amended (Section 17.12, Vernon's Texas Codes Annotated, Business & Commerce Code).

(3) Fail to perform after complaint and hearing the obligations placed on the selling dealer in connection with the delivery and preparation of a new motor vehicle for retail sale as provided in the manufacturer's preparation and delivery agreements on file with the Commission and applicable to such vehicle.

(4) Fail after complaint and hearing to perform the obligations placed on the dealer in connection with the manufacturer's warranty agreements on file with the Commission.

(5) Operate as a dealer without a currently valid license from the Commission or otherwise violate this Act or rules promulgated by the Commission hereunder.

##### Manufacturers; Distributors;

##### Representatives

Section 5.02. It shall be unlawful for any manufacturer, distributor or representative to:

(1) Require or attempt to require any dealer to order or accept delivery of any motor vehicle, appliance, parts, accessories, or any commodity unless voluntarily ordered by such dealer, or to require or attempt to require any dealer to contribute or pay anything of value, directly or indirectly, to any cooperative or other advertising program or fund.

(2) Refuse or fail to deliver in reasonable quantities and within a reasonable time after receipt of an order to a dealer having a franchise agreement for the retail sale of any motor vehicles sold or distributed by such manufacturer, distributor, or representative, any new motor vehicle or parts or accessories to new motor vehicles as are covered by such franchise if such vehicle, parts or accessory is publicly advertised as being available for delivery or is actually being delivered; provided, however, this provision is not violated if such failure is caused by acts of God, work stoppage or delays due to strikes or labor disputes, freight embargoes or other causes beyond the control of the manufacturer, distributor, or representative.

(3) Notwithstanding the terms of any franchise agreement, terminate or refuse to continue any franchise with a dealer unless (A) the dealer and the Commission have received written

notice sixty days before the effective date thereof setting forth the specific grounds for termination or non-continuance and (B) if the dealer files a protest with the Commission, it is established by a preponderance of evidence at a hearing called by the Commission that there is good cause for the termination or non-continuance. The Commission shall consider all the existing circumstances in determining good cause, including without limitation the dealer's sales in relation to the market, the dealer's investment and obligations, injury to public welfare, adequacy of service facilities, equipment, parts and personnel of the dealer and other dealers of new motor vehicles of the same line-make, whether warranties are being honored, and compliance with the franchise agreement. Good cause shall not be shown solely by a desire for further market penetration. If a franchise is terminated or not continued, another franchise in the same line-make will be established within a reasonable time unless it is shown to the Commission that the community or trade area cannot reasonably support such a dealership. If this showing is made, no dealer license shall be thereafter issued in the same area unless a change in circumstances is shown.

(4) Use any false, deceptive or misleading advertising, as defined in Acts 1967, 60th Leg., Vol. 2, p. 2343, Ch. 785, §1, as amended (Section 17.12, Vernon's Texas Codes Annotated, Business & Commerce Code).

(5) Notwithstanding the terms of any franchise agreement, prevent any dealer from changing the capital structure of his dealership or the means by or through which he finances the operation thereof, provided that the dealer meets any reasonable capital requirements agreed to by contract of the parties.

(6) Notwithstanding the terms of any franchise agreement, fail to give effect to or attempt to prevent any sale or transfer of a dealer, dealership or franchise or interest therein or management thereof unless it is shown to the Commission after hearing that the result of such sale or transfer will be detrimental to the public or the representation of the manufacturer or distributor.

(7) Require or attempt to require that a dealer assign to or act as an agent for any manufacturer, distributor or representative in the securing of promissory notes and security

agreements given in connection with the sale or purchase of new motor vehicles or the securing of policies of insurance on or having to do with the operation of vehicles sold.

(8) Fail, after complaint and hearing, to perform the obligations placed on the manufacturer in connection with the delivery, preparation and warranty of a new motor vehicle as provided in the manufacturer's warranty, preparation, and delivery agreements on file with the Commission.

(9) Fail to compensate its dealers for the work and services they are required to perform in connection with the dealer's delivery and preparation obligations according to the agreements on file with the Commission which must be found by the Commission to be reasonable, or fail to adequately and fairly compensate its dealers for labor, parts and other expenses incurred by such dealer to perform under and comply with manufacturer's warranty agreements. In no event shall any manufacturer or distributor pay its dealers a labor rate per hour for warranty work that is less than that charged by the dealer to the retail customers of the dealer nor shall such labor rate be more than the retail rate. All claims made by dealers for compensation for delivery, preparation, and warranty work shall be paid within thirty days after approval and shall be approved or disapproved within thirty days after receipt. When any claim is disapproved, the dealer shall be notified in writing of the grounds for disapproval. The dealer's delivery, preparation, and warranty obligations as filed with the Commission shall constitute the dealer's sole responsibility for product liability as between the dealer and manufacturer.

(10) Operate as a manufacturer, distributor, or representative without a currently valid license from the Commission or otherwise violate this Act or rules promulgated by the Commission hereunder.

## SUBCHAPTER F. ENFORCEMENT

### Penalty

Section 6.01. Any person who violates any provision of this Act or any rule, regulation, or order of the Commission issued pursuant to this Act is subject to a civil penalty of not less than \$50.00 nor more than \$1,000.00 for each day of violation and for each act of violation, as the court may deem proper. All civil penalties

recovered under this Act shall be paid to the General Revenue Fund of the State of Texas.

#### Injunction

Section 6.02. Whenever it appears that a person has violated or is violating or is threatening to violate any provision of this Act or of any rule, regulation, or order of the Commission issued pursuant to this Act then the Commission, or the executive director when authorized by the Commission, may cause a civil suit to be instituted in a district court for injunctive relief to restrain the person from continuing the violation or threat of violation or for the assessment and recovery of the civil penalty provided in Section 6.01 above or for both injunctive relief and civil penalty.

#### Suit

Section 6.03. At the request of the Commission, or the executive director when authorized by the Commission, the Attorney General shall institute and conduct a suit in the name of the State of Texas for injunctive relief or to recover the civil penalty or for both injunctive relief and penalty.

#### Venue

Section 6.04. A suit for injunctive relief or for recovery of a civil penalty or for both may be brought either in the county where the defendant resides or in the county where the violation or threat of violation occurs.

#### Bond

Section 6.05. In any suit to enjoin a violation or threat of violation of this Act or of any rule, regulation, license or order of the Commission, the court may grant the Commission, without bond or other undertaking, any prohibitory or mandatory injunction the facts may warrant, including temporary restraining orders after notice and hearing, temporary injunctions and permanent injunctions.

### SUBCHAPTER G. JUDICIAL REVIEW

#### Appeal

Section 7.01. (a) A person affected by any ruling, order, decision or other act of the Commission may appeal by filing a petition in a district court of Travis County, Texas.

(b) The petition must be filed within thirty days after the effective date of the Commission's action.

(c) Service of citation on the Commission must be accomplished within thirty days after the date the petition is filed. Citation may be served on the executive director.

(d) In an appeal of a Commission action, the issue is whether the action is invalid, arbitrary, or unreasonable.

Section 2. Nothing herein shall be construed to repeal or amend any provisions of Section 1, Chapter 30, Acts of the 58th Legislature, Regular Session, 1963 (Article 6686, Vernon's Annotated Civil Statutes of Texas).

Section 3. In case any one or more of the sections, provisions, clauses, or words of this Act, or the application thereof to any situation or circumstance, shall for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other sections, provisions, clauses, or words of this Act, or the application thereof to any other situation or circumstance, and it is intended that this Act shall be severable and shall be construed and applied as if any such invalid or unconstitutional section, provision, clause, or word had not been included herein.

Section 4. The fact that authority is urgently required to regulate and license franchise new motor vehicle dealers and new motor vehicle manufacturers and distributors and their representatives creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and the Rule is hereby suspended; and that this Act take effect and be in force from and after its passage, and it is so enacted.

#### Floor Amendment 1

Amend Committee Amendment No. 1 to S. B. 140 by striking therefrom Section 1.03(7) and inserting in lieu thereof the following: "(7) 'Representative' means any person who is or acts as an agent, employee or representative of a manufacturer or distributor who performs any duties in this state relating to promoting the distribution and/or sale of new motor vehicles or contacts dealers in this state on behalf of a manufacturer or distributor."

By striking therefrom Section 5.02 (1) and inserting in lieu thereof the following: "(1) Require or attempt to require any dealer to order, accept

delivery of or pay anything of value, directly or indirectly, for any motor vehicle, appliance, part, accessory or any other commodity unless voluntarily ordered or contracted for by such dealer."

#### Committee Amendment No. 2

Amend S. B. 140 by striking all above the enacting clause and insert the following:

#### A BILL TO BE ENTITLED

An Act relating to the creation, organization, powers, duties, and procedures of the Texas Motor Vehicle Commission; providing and establishing the requirements for the licensing of persons engaged in the business as franchise new motor vehicle dealers and new motor vehicle manufacturers and distributors and their representatives and the renewal of such licenses; providing fees for the issuance of licenses; providing grounds for refusal to license and revocation and suspension of licenses; providing certain prohibited acts on the part of franchise new motor vehicle dealers and new motor vehicle manufacturers and distributors and their representatives without regard to the terms of the franchise agreements between the parties; providing for suits for civil penalties and injunction for violation of the Act; providing for appeals from actions taken by the Commission; enacting other provisions relating to the subject; providing for severability of the Act; and declaring an emergency.

The House amendments were read.

Senator Moore moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

#### Yeas—31

Aikin	Creighton
Bates	Grover
Beckworth	Hall
Bernal	Harrington
Blanchard	Harris
Bridges	Herring
Brooks	Hightower
Christie	Jordan
Connally	Kennard

Kothmann	Sherman
Mauzy	Snelson
McKool	Wallace
Moore	Watson
Patman	Wilson
Ratliff	Word
Schwartz	

#### Minority Report on Senate Bill 10 Substituted for Majority Report and Ordered Printed

Senator Mauzy moved that the Minority Report on S. B. No. 10 be substituted for the Majority Report and that the Minority Report be printed.

The motion prevailed by the following vote:

#### Yeas—22

Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Bridges	McKool
Brooks	Patman
Christie	Schwartz
Connally	Sherman
Grover	Snelson
Harrington	Wallace
Hightower	Watson
Jordan	Wilson

#### Nays—8

Aikin	Herring
Blanchard	Moore
Creighton	Ratliff
Harris	Word

#### Absent

Hall

#### Senate Bill 60 on Second Reading

On motion of Senator Word and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 60, A bill to be entitled "An Act relating to the creation of a juvenile board for Johnson County; setting board membership and compensation; providing for a juvenile officer; and declaring an emergency."

The bill was read second time and passed to engrossment.

#### Senate Bill 60 on Third Reading

Senator Word moved that the Constitutional Rule and Senate Rule 30

requiring bills to be read on three several days be suspended and that S. B. No. 60 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

## Report of Standing Committee

By unanimous consent, Senator Hall submitted the following report for the Committee on County, District and Urban Affairs:

H. B. No. 1625 (Floor Report).

House Bill 1625 Ordered Not Printed

On motion of Senator Blanchard and by unanimous consent, H. B. No. 1625 was ordered not printed.

## Motion to Place

## Senate Joint Resolution 11 on Second Reading

Senator Wilson asked unanimous consent to suspend the regular order of business and take up S. J. R. No. 11 for consideration at this time.

There was objection.

Senator Wilson then moved to suspend the regular order of business and take up S. J. R. No. 11 for consideration at this time.

The motion was lost by the following vote (not receiving two-thirds vote of the Members present):

## Yeas—14

Blanchard	Hightower
Brooks	Jordan
Christie	Moore
Connally	Ratliff
Grover	Sherman
Hall	Snelson
Harris	Wilson

## Nays—17

Aikin	Kothmann
Bates	Mauzy
Beckworth	McKool
Bernal	Patman
Bridges	Schwartz
Creighton	Wallace
Harrington	Watson
Herring	Word
Kennard	

## Senate Bill 269 on Second Reading

On motion of Senator Herring and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 269, A bill to be entitled "An Act amending Section 10 and repealing Section 10a of the 'Lower Colorado River Authority Act,' etc.; and declaring an emergency."

The bill was read second time and passed to engrossment.

## Senate Bill 269 on Third Reading

Senator Herring moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that Senate Bill No. 269 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

## Senate Bill 368 on Second Reading

Senator Hall asked unanimous consent to suspend the regular order of business and take up S. B. No. 368 for consideration at this time.

There was objection.

Senator Hall then moved to suspend the regular order of business and take up S. B. No. 368 for consideration at this time.

The motion prevailed by the following vote:

## Yeas—27

Aikin	Kennard
Bates	Kothmann
Beckworth	McKool
Bernal	Moore
Blanchard	Patman
Brooks	Ratliff
Christie	Schwartz
Connally	Sherman
Creighton	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Hightower	Word
Jordan	

## Nays—4

Bridges	Herring
Grover	Mauzy

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 368, A bill to be entitled "An Act relating to the composition of the State Board of Health; etc.; and declaring an emergency."

The bill was read second time.

Senator Hall offered the following Committee Amendment to the bill:

Strike all below the enacting clause and substitute therefor the following:

"Section 1. Acts of the 40th Legislature, First Called Session, 1927, Chapter 42, Section 2, as last amended by the 42nd Legislature, 1931, Chapter 266, Section 1, Article 4415a, Vernon's Texas Civil Statutes, is hereby amended to read as follows:

"Article 4415a. Composition of State Board of Health, appointment, term of office.

"The State Board of Health shall consist of twelve (12) members, who shall be appointed by the Governor and confirmed by the Senate and who shall have the following qualifications: Six (6) of the members shall be legally qualified practicing physicians, who shall have had not less than five (5) years' experience in the actual practice of medicine within the State of Texas, of good professional standing, and graduates of recognized medical colleges. Three members of the Board shall have the following qualifications: One (1) such member shall be a Doctor of Dentistry, of reputable character, licensed

under the laws of this State, to practice his profession, and who shall have had not less than five (5) years' practical experience in the actual practice of Dentistry in this State; one (1) such member shall be a Pharmacist of reputable character, licensed under the laws of this State to practice his profession, and who shall have had not less than five (5) years' practical experience in the actual practice of Pharmacy in this State; and one (1) such member shall be a graduate of some reputable engineering school upon whom such school has conferred the degree of Civil Engineering, and who, since graduation for at least five (5) years, has specialized in sanitary engineering in actual work in this State. Members of the Board shall serve for a period of six (6) years, or until their successors shall be appointed and shall have qualified, unless sooner removed for cause. In addition to the above named Board members and upon passage of this Act, the Governor shall appoint three (3) additional members of the Board to be confirmed by the Senate and who shall have the following qualifications: One (1) such new member shall be a Doctor of Veterinary Medicine, of reputable character and professional standing, licensed under the laws of this State to practice his profession and who shall have had not less than five (5) years' practical experience in the actual practice of Veterinary Medicine in this State; one (1) such member shall be a licensed Registered Nurse of reputable character and professional standing, who shall have had not less than five (5) years' experience in the field of public health nursing in this State; and one (1) such new member shall be a Hospital Administrator of reputable character, who shall have had not less than five years' experience in the field of hospital administration in this State. The terms of the nine (9) present members of the Board shall not be affected by this Act, and the terms of office of the three (3) additional members shall be so arranged that one (1) shall serve two (2) years, one (1) for four (4) years, and one (1) for six (6) years. After the expiration of the terms of the additional members, the terms shall be for six (6) years or until their successors shall be appointed and shall have qualified, unless sooner removed for

cause, as is the case for all other members of the Board. The additional members shall be allowed the same compensation in attending meetings of the Boards, as well as traveling expenses, as provided by this Chapter. The State Health Officer shall be a member ex-officio of the Board, but shall not have the right to vote. The Board shall elect a Chairman from among the twelve (12) members of the Board, who shall serve for a period of two (2) years or until his successor is elected."

Section 2. If any section, subsection, sentence or clause of this Act shall for any reason be held void or unconstitutional, such decision shall not affect the validity of any other portion of this Act, it being the intention of the Legislature to pass the valid sections, subsections, sentences, clauses, and parts of this Act even though one or more of the same shall be held to be invalid.

Section 3. The fact that the composition of the State Board of Health has not been altered since 1931, and the fact that the health needs of the public has changed considerably in the last quarter century, and the further fact that the health needs of Texas must be met more effectively and on a broader basis in the future create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The Committee Amendment was read and was adopted.

On motion of Senator Hall and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### Senate Bill 368 on Third Reading

Senator Hall moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that S. B. No. 368 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—27

Aikin	Kennard
Bates	Kothmann
Beckworth	McKool
Bernal	Moore
Blanchard	Patman
Brooks	Ratliff
Christie	Schwartz
Connally	Sherman
Creighton	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Hightower	Word
Jordan	

## Nays—4

Bridges	Herring
Grover	Mauzy

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

(Senator Watson in Chair.)

## House Bill 1625 on Second Reading

Senator Blanchard moved that Senate Rules 13, 30 and 36 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 1625 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

The Presiding Officer then laid before the Senate on its second reading

and passage to third reading the following bill:

H. B. No. 1625, A bill to be entitled "An Act relating to validation of certain ordinances passed and bonds issued by home-rule cities; providing for severability; and declaring an emergency."

The bill was read the second time and was passed to third reading.

## House Bill 1625 on Third Reading

The Constitutional Rule requiring bills to be read on three several days having been suspended, the Presiding Officer laid H. B. No. 1625 before the Senate on its third reading and final passage.

The bill was read the third time and was passed by the following vote:

## Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

## Report of Standing Committee

By unanimous consent, Senator Bates submitted the following report for the Committee on Transportation:

H. B. No. 182 (Floor Report).

## Notice of Executive Session

Senator Christie gave notice that he would move for an Executive Session at 11:30 o'clock a.m. on tomorrow.

## Resolution Signed

The Presiding Officer announced the signing by the President in the presence of the Senate after the caption had been read, the following enrolled resolution:

S. C. R. No. 63.



**Memorial Resolutions**

H. C. R. No. 100—Memorial resolution for Raymond E. Buck.

S. R. No. 824—By Senator Watson: Memorial resolution for George Earle (Jack) Schuh.

S. R. No. 829—By Senator Watson: Memorial resolution for Clarence C. Herring.

**Welcome and Congratulatory Resolutions**

S. R. No. 816—By Senator Hightower: Extending welcome to Jeff Jer-nigan, et al.

S. R. No. 817—By Senator Aikin: Extending welcome to Mr. and Mrs. John H. Moore.

S. R. No. 818—By Senator Moore: Extending congratulations to citizens of Hearne on its 100th birthday.

S. R. No. 820—By Senator Herring: Extending welcome to teacher and government classes, Johnston High School.

S. R. No. 821—By Senator Brooks: Extending welcome to Miss Mary Gene Mendez.

S. R. No. 823—By Senator Watson: Extending welcome to Willard Green and Reuben Mikeska.

S. R. No. 825—By Senator Watson: Extending commendation to Bert Scheinbrum.

S. R. No. 826—By Senator Watson: Extending congratulations to Miss Mary Helen Yarbrough, Texas Blue-bonnet Queen.

S. R. No. 827—By Senator Watson: Extending welcome to C. L. "Chie" Walker.

S. R. No. 828—By Senator Watson: Extending commendation to Mrs. Dorothy Talbot.

S. R. No. 830—By Senator McKool: Extending welcome to teacher and students, Corpus Christi Junior High.

S. R. No. 831—By Senator Watson: Extending welcome to C. D. Oldham.

**Adjournment**

On motion of Senator Brooks the Senate at 12:25 o'clock p.m. adjourned until 10:00 o'clock a.m. tomorrow.

**FORTY-SEVENTH DAY**

(Wednesday, March 31, 1971)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	McKool
Blanchard	Moore
Brooks	Patman
Connally	Ratliff
Grover	Schwartz
Hall	Sherman
Harrington	Snelson
Harris	Wallace
Herring	Watson
Hightower	Wilson

**Absent—Excused**

Bridges	Mauzy
Christie	Word
Creighton	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**Leaves of Absence**

Senator Creighton was granted leave of absence for today on account of important business on motion of Senator Harris.

Senator Word was granted leave of absence for today on account of important business on motion of Senator Aikin.

Senator Bridges was granted leave of absence for today on account of illness on motion of Senator Blanchard.

Senator Mauzy was granted leave of absence for today on account of important business on motion of Senator Blanchard.

Senator Christie was granted leave of absence for today on account of important business on motion of Senator Aikin.